

NOTICE

TO ALL INTERESTED PARTIES. PLEASE BE ADVISED THAT THE CITY OF EAST ORANGE (HEREAFTER "CITY"), A MUNICIPAL CORPORATION OF THE STATE OF NEW JERSEY, WILL BE ACCEPTING SEALED PROPOSALS FOR: **SPECIAL LEGAL COUNSEL SERVICES.**

IT IS THE INTENT OF THE CITY OF EAST ORANGE ON BEHALF OF THE EAST ORANGE BOARD OF WATER COMMISSIONERS TO SOLICIT PROPOSALS FROM RESPONDENTS THAT HAVE EXTENSIVE KNOWLEDGE, EXPERIENCE AND THE PRESENT AND CONTINUED ABILITY TO PROVIDE PROFESSIONAL LEGAL SERVICES AS DESCRIBED BELOW AND AS SET FORTH IN THE WITHIN NOTICE OF SOLICITATION FOR RESPONSES AS WELL AS THE REQUEST FOR QUALIFICATIONS.

THE EAST ORANGE BOARD OF WATER COMMISSIONERS IS SEEKING SPECIAL COUNSEL WITH GENERAL LITIGATION EXPERIENCE AND A SPECIALIZED KNOWLEDGE OF THE FUNCTIONS OF WATER UTILITIES WITHIN MUNICIPAL GOVERNMENT; WHO IS PARTICULARLY STEEPED IN ENVIRONMENTAL LAW WHICH INCLUDES MUNICIPAL AND REGIONAL WATER PROVIDERS, ENVIRONMENTAL ENFORCEMENT, PERMITTING DECISIONS (ISSUANCE AND DENIAL THEREOF), PENALTY ENFORCEMENT ACTIONS, ADMINISTRATIVE DETERMINATIONS AND ENVIRONMENTAL REGULATIONS; WHO CAN ASSIST IN THE COOPERATION WITH AND COORDINATION OF REQUESTED INFORMATION FROM VARIOUS GOVERNMENTAL AGENCIES AND THEIR INQUIRIES; IS FAMILIAR WITH VARIOUS STATE AND FEDERAL AGENCIES INVOLVED IN ENVIRONMENTAL LAW INCLUDING THE ENFORCEMENT THEREOF AND PARTICULARLY THOSE AREAS CONCERNING THE MUNICIPAL WATER SUPPLY AND THE REGULATION THEREOF; REPRESENTATION OF THE EAST ORANGE BOARD OF WATER COMMISSIONERS AND DESIGNATED PERSONNEL BEFORE VARIOUS TRIBUNALS, BOARDS AND PANELS IN ALL MATTERS ARISING THEREFROM WILL BE REQUIRED. QUALIFIED RESPONDENTS MUST HAVE AN UNDERSTANDING OF OPEN PUBLIC RECORDS ACT AND THE OPEN PUBLIC MEETINGS ACT. RESPONDENTS SHOULD ALSO HAVE A CLEAR UNDERSTANDING OF THE "NEW DISCOVERY RULES" INCLUDING BUT NOT LIMITED TO E-DISCOVERY. COUNSEL MUST MAINTAIN A CLOSE WORKING RELATIONSHIP WITH THE CITY'S OFFICE OF CORPORATION COUNSEL. COUNSEL MAY BE CALLED UPON TO ATTEND MEETINGS. COUNSEL MAY ALSO BE CALLED UPON TO PROVIDE OTHER TYPES OF LEGAL SERVICES OF A SPECIALIZED NATURE.

PROPOSALS MUST BE RECEIVED BY THE CITY NO LATER THAN 12:00 P.M. ON THURSDAY, MARCH 24, 2016, AND MUST BE MAILED OR HAND- DELIVERED TO THE CITY OF EAST ORANGE DIVISION OF PROCUREMENT, ATTENTION: LISA L. JACKSON, PURCHASING AGENT, 44 CITY HALL PLAZA EAST ORANGE, NEW JERSEY 07018. PROPOSALS FORWARDED BY FACSIMILE OR EMAIL TRANSMISSIONS WILL NOT BE ACCEPTED. QUALIFICATIONS SENT EITHER BY MAIL OR COURIER SERVICE MUST BE RECEIVED BY THE CITY OF EAST ORANGE, PURCHASING DEPARTMENT NO LATER THAN 12:00 P.M. ON THURSDAY, MARCH 24, 2016. THE CITY OF EAST ORANGE AND THE EAST ORANGE BOARD OF WATER COMMISSIONERS SHALL NOT BE RESPONSIBLE FOR THE LOSS, NON-DELIVERY, OR PHYSICAL CONDITION OF PROPOSALS SENT BY MAIL OR COURIER SERVICE. PROPOSALS MUST BE SUBMITTED INDIVIDUALLY IN A SEALED ENVELOPE.

COPIES OF THE CITY'S REQUEST FOR QUALIFICATIONS CAN BE OBTAINED BY CONTACTING LISA L. JACKSON AT THE CITY OF EAST ORANGE, DIVISION OF PROCUREMENT, 44 CITY HALL PLAZA, EAST ORANGE, NEW JERSEY 07018. TELEPHONE NUMBER: (973) 266-5162, FACSIMILE (862) 444-0101, EMAIL Lisa.Jackson@EastOrange-NJ.gov

PROPOSALS ARE BEING SOLICITED THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH THE PAY-TO-PLAY LAW, N.J.S.A. 19:44A-20.5 ET SEQ., AND MUNICIPAL ORDINANCE OF THE CITY OF EAST ORANGE.

QUALIFIED AND SELECTED RESPONDENTS WILL BE APPROVED BY RESOLUTION OF THE EAST ORANGE BOARD OF WATER COMMISSIONERS.

**CITY OF EAST ORANGE
BOARD OF WATER COMMISSIONERS
REQUEST FOR PROPOSAL FOR
GENERAL AND SPECIAL LEGAL COUNSEL SERVICES**

SUBMISSION DEADLINE

12:00 P.M.

March 24, 2016

ADDRESS ALL PROPOSALS TO:

**Lisa L. Jackson
Division of Procurement
City of East Orange
Board of Water Commission
44 City Hall Plaza
East Orange, New Jersey 07018
(973) 266-5162**

GENERAL INFORMATION & SUMMARY

ORGANIZATION REQUESTING PROPOSAL

The City of East Orange Board of Water Commissioners
99 Grove Street
East Orange, New Jersey 07018

CONTACT PERSON

Lisa L. Jackson
Division of Procurement
City of East Orange
East Orange Board Water Commissioners
City Hall Plaza
East Orange, New Jersey 07018
(973) 266-5162

PURPOSE OF REQUEST

The City of East Orange (hereafter the “City” on behalf of the East Orange Water Commission) is requesting Proposals from qualified individuals and firms to provide: Special Legal Counsel Services to the East Orange Board of Water Commissioners. Proposals will be evaluated in accordance with the criteria set forth in this Request for Qualifications (RFP). One or more individual/firms may be selected to provide services. If selected, the East Orange Board of Water Commissioners will approve resolutions listing the individual(s) and firm(s) as approved General and Special Legal Counsel.

FORM AS TO SELECTION

If selected to provide services, the successful Respondent(s) shall be awarded a Contract by the City’s Board of Water Commissioners, which includes term, amount, indemnification, insurance, termination and licensing provisions. It is also agreed and understood that the acceptance of the representation shall be considered a release in full of all claims against the City of East Orange and East Orange Board of Water Commission arising out of, or by reason of, the work done and materials furnished under this award.

GLOSSARY

The following definitions shall apply to and are used in this Request for Qualifications (RFP):

“Board” – refers to the City of East Orange Board of Water Commissioners

“City” - refers to the City of East Orange.

“EOBWC” – refers to the City of East Orange Board of Water Commissioners

“Proposal” - refers to the complete responses to this RFP submitted by the Respondents.

“Qualified Respondent” - refers to those Respondents who (in the sole judgment of the City) have satisfied the qualification criteria set forth in this RFP.

“RFP” - refers to this Request for Proposal, including any amendments thereof or supplements thereto.

“Respondent” or “Respondents” -refers to the interested persons and/or firm(s) that submit a Proposal.

SECTION 1

INTRODUCTION AND GENERAL INFORMATION

1.1. Introduction and Purpose.

The City is soliciting on behalf of the East Orange Board of Water Commissioners Proposals from interested persons and/or firms for the provision of professional legal services, as more particularly described herein. Through a Request for Qualification process described herein, persons and/or firms interested in assisting the City and EOBWC with the provision of such services must prepare and submit a Proposal in accordance with the procedure and schedule in this RFP. The Board will review Proposals only from those persons and/or firms that submit a Proposal which includes all information which includes all the information required to be included as described herein (in the sole judgment of the City and EOBWC).

The Boards intends to qualify person(s) and/or firm(s) that (a) possesses the professional, financial and administrative capabilities to provide the proposed services, and (b) will agree to work under the compensation terms and conditions determined by the City and EOBWC to provide the greatest benefit to the taxpayers of the City and customers of the East Orange Water Department.

1.2. Procurement Process and Schedule.

The selection is in accordance with the "New Jersey Local Unit Pay-to-Play" Law and municipal ordinances establishing the "pay-to-play" criteria. The City and EOBWC has structured a procurement process that seeks to obtain the desired results described above, while establishing a competitive fair and open process to assure that each person and/or firm is provided an equal opportunity to submit a Proposal in response to the RFP. Proposals will be evaluated in accordance with the criteria set forth in Section 2 of this RFP, which will be applied in the same manner to each Proposal received.

Proposals will be reviewed and evaluated by the City and EOBWC. The Proposals will be reviewed to determine if the Respondent has met the minimum professional, administrative and financial areas described in this RFP. Based upon the totality of the information contained in the Proposal, including information about the reputation and experience of each Respondent, City and EOBWC will determine which Respondents are qualified (professionally, administratively and financially).

The RFP process commences with the issuance of this RFP. The steps involved in the process and the anticipated completion dates are set forth in Table 1, Procurement Schedule. The City and EOBWC reserves the right to, among other things, amend, modify or alter the Procurement Schedule upon notice to all potential Respondents.

All communications concerning this RFP or the RFP process shall be directed to the City's Designated Contact Person, in writing.

Proposals must be submitted to, and be received by the City of East Orange Board of Water Commissioners, Division of Procurement, via mail or hand delivery, by 12:00 p.m. on Thursday, March 24, 2016. Proposals will not be accepted by facsimile or e-mail transmissions. Proposals shall be opened in the City of East Orange Council Chambers, City Hall, 44 City Hall Plaza, East Orange, New Jersey on Thursday, March 24, 2016, at or about 12:00 P.M.

Subsequent to issuance of this RFP, the City (through the issuance of addenda to all persons and/or firms that have received a copy of the RFP) may modify, supplement or amend the provisions of this RFP in order to respond to inquiries received from prospective Respondents or as otherwise deemed necessary or appropriate by (and in the sole judgment of) the City and EOBWC.

TABLE 1
ANTICIPATED PROCUREMENT SCHEDULE
ACTIVITY DATE

1. Issuance of Request for Qualifications Monday, March 14, 2016.
2. Receipt of Proposals Thursday, March 24, 2016.

1.3. Conditions Applicable to RFP.

Upon submission of a Proposal in response to this RFP, the Respondent acknowledges and consents to the following conditions relative to the submission and review and consideration of its Proposal:

- This document is an RFP and does not constitute a Request for Proposals (RFP).
- This RFP does not commit the City or East Orange Board of Water Commissioner to issue an RFP.
- All costs incurred by the Respondent in connection with responding to this RFP shall be borne solely by the Respondent.
- The City and EOBWC reserves the right (in its sole judgment) to reject for any reason any and all responses and components thereof and to eliminate any and all Respondents responding to this RFP from further consideration for this procurement.
- The City and EOBWC reserves the right (in its sole judgment) to reject any Respondent that submits incomplete responses to this RFP, or a Proposal that is not responsive to the requirements of this RFP.
- The City and EOBWC reserves the right, without prior notice, to supplement, amend, or otherwise modify this RFP, or otherwise request additional information.
- All Proposals shall become the property of the City and EOBWC and will not be returned.
- All Proposals will be made available to the public at the appropriate time, as determined by the City and EOBWC (in the exercise of its sole discretion) in accordance with law.
- The City may request Respondents to send representatives to the City and EOBWC for interviews.
- Any and all Proposals not received by the City of East Orange, Purchasing Board of Water Commissioners, Division of Procurement by 12:00 p.m. on March 24, 2016 will be rejected.
- Neither the City, nor EOBWC, nor its officers, officials or employees shall be liable for any claims or damages resulting from the solicitation or preparation of the Proposal, nor will there be any reimbursement to Respondents for the cost of preparing and submitting a Proposal or for participating in this procurement process.

1.4. Rights of City of East Orange and East Orange Board of Water Commissioners.

The City and EOBWC reserves, holds and may exercise, at its sole discretion, the following rights and options with regard to this RFP and the procurement process in accordance with the provisions of applicable law:

- To determine that any Proposal received complies or fails to comply with the terms of this RFP.
- To supplement, amend or otherwise modify the RFP through issuance of addenda to all prospective Respondents who have received a copy of this RFP.
- To waive any technical non-conformance with the terms of this RFP.
- To change or alter the schedule for any events called for in this RFP upon the issuance of notice to all prospective Respondents who have received a copy of this RFP.
- To conduct investigations of any or all of the Respondents, as the City and EOBWC deems necessary or convenient, to clarify the information provided as part of the Proposal and to request additional information to support the information included in any Proposal.
- To suspend or terminate the procurement process described in this RFP at any time (in its sole discretion.) If terminated, EOBWC in conjunction with the City may determine to commence a new procurement process or exercise any other rights provided under applicable law without any obligation to the Respondents.
- The City and EOBWC shall be under no obligation to complete all or any portion of the procurement process described in this RFP.

1.5. Addenda or Amendments to RFP.

During the period provided for the preparation of responses to the RFP, the City and EOBWC may issue addenda, amendments or answers to written inquiries. Those addenda will be noticed by the City and EOBWC and will constitute a part of the RFP. All responses to the RFP shall be prepared with full consideration of the addenda issued prior to the Proposal submission date.

1.6. Cost of Proposal Preparation.

Each Proposal and all information required to be submitted pursuant to the RFP shall be prepared at the sole cost and expense of the Respondent. There shall be no claims whatsoever against the City and EOBWC, its officers, officials or employees for reimbursement for the payment of costs or expenses incurred in the preparation of the Proposal or other information required by the RFP.

1.7. Proposal Format.

Proposals must cover all information requested in this RFP. Proposals which in the judgment of the City and EOBWC fail to meet the requirements of the RFP or which are in any way conditional, incomplete, obscure, contain additions or deletions from requested information, or contain errors may be rejected.

SECTION 2

SCOPE OF SERVICES

It is the intent of the City and Board to solicit Proposals from Respondents that have expertise in the provision of professional legal services as described below and as set forth in the attached Notice of Solicitation for Responses. Respondents must demonstrate that they will have the continuing capabilities to perform these services.

2.1. Legal Counsel.

The City of East Orange Board of Water Commissioners is seeking Legal Counsel Services for the provision of legal services and representation to the EOBWC, its officers and employees. The subject matter of such representation includes, but is not limited to:

1. Provide advice and/or representation in a wide variety of matters and:
 - (a) Have general litigation experience and a specialized knowledge of the functions of water and/or sewer utilities within municipal government;
 - (b) Be particularly steeped in environmental law which includes municipal water providers, environmental enforcement, permitting decisions (issuance and denial thereof), penalty enforcement actions, administrative determinations and environmental regulations;
 - (c) Ability to assist in the cooperation with and coordination of requested information from various governmental agencies and their inquiries;
 - (d) Is familiar with various State and Federal agencies involved in environmental law including the enforcement thereof and particularly those areas concerning the municipal water supply and the regulation thereof;
 - (e) Be able to competently represent EOBWC and designated personnel before various tribunals, boards and panels in all matters arising therefrom will be required;
 - (f) Have an understanding of OPRA and the Open Public Meetings Act and be able to advise the clients;
 - (g) Possess a clear understanding of the "new discovery rules" including but not limited to e-discovery;
 - (h) Be able to maintain a close working relationship with the City's Office of Corporation Counsel and work under the direction and supervision thereof as directed and where necessary and appropriate;
 - (i) Be able to attend public meetings which may be called at the discretion of the EOBWC and be prepared to provide other types of legal services of a specialized nature.
2. Proposed Billable Hourly Services subject to negotiation and approval by the East Orange Board of Water Commissioners
 - (a) Submit proposed hourly rates for litigation and other general matters;
 - (b) Submit a proposed blended hourly rate for litigation and other general matters.

The City and EOBWC is requesting Proposals for Special Legal Counsel. Counsel will, on an "as needed" basis, be assigned and required to provide representation in all aspects deemed necessary.

Counsel may be called upon to attend meetings with various officials and employees.

SECTION 3

SUBMISSION REQUIREMENTS

3.1. General Requirements.

The Proposal submitted by the Respondent must meet or exceed the professional, administrative and financial qualifications set forth in this Section 3 and shall incorporate the information requested below.

In addition to the information required as described below, a Respondent may submit supplemental information that it feels may be useful in evaluating its Proposal. Respondents are encouraged to be clear, factual, and concise in their presentation of information.

3.2. Administrative Information Requirements.

The Respondent shall, as part of its Proposal, provide the following information:

1. An executive summary (not to exceed two (2) pages) of the information contained in all the other parts of the Proposal.
2. An executed Letter of Qualification.
3. Name, address and telephone number of the Respondent submitting a Proposal pursuant to this RFP, and the name of the key contact person.
4. A description of the business organization (i.e., corporation, partnership, joint venture, etc.) of each Respondent, its ownership and its organizational structure.
 - (a) Provide the names and business addresses of all Principals of the Respondent submitting the Proposal. For purposes of this RFP, "Principals" means persons possessing an ownership interest in the Respondent. If the Respondent is a corporation, "Principals" shall include each investor who has any operational control over the Respondent, and every stockholder having an ownership interest of 10% or more in the firm.
 - (b) If a Respondent is a partially owned or a fully-owned subsidiary of another firm, identify the parent company and describe the nature and extent of the parents' approval rights over the activities of the Respondent submitting a Proposal. Describe the approval process.
 - (c) If the Respondent is a partnership or a joint venture or similar organization, provide comparable information as required in (b) above for each member of the partnership, joint venture or similar organization.
 - (d) A statement that the Respondent has complied with all applicable affirmative action (or similar) requirements with respect to its business activities, together with evidence of such compliance.
5. The number of years Respondent has been in business under the present name.
6. The number of years Respondent has been under the current management.
7. Any judgments within the last three (3) years in which Respondent has been adjudicated liable for professional malpractice. If yes, please explain.

8. Whether the Respondent is now or has been involved in any bankruptcy or reorganization proceedings in the last ten (10) years. If yes, please explain.
9. Confirm appropriate federal and state licenses to perform activities.
10. An executed letter of intent.

3.3. Professional Information Requirements.

1. Respondent shall submit a description of its overall experience in providing the type of services sought in the RFP. At a minimum, the following information on past experience should be included as appropriate to the RFP:
 - (a) Description and scope of work by Respondent.
 - (b) Name, address and contact information of references.
 - (c) Explanation of perceived relevance of the experience to the RFP.
2. Brief description of Respondent's relevant clients including municipal government clients during the last three (3) years.
3. Resumes of key employees.
4. Names and resumes of attorneys who will be assigned to provide legal services to the City and EOBWC.
5. A narrative statement of the Respondent's understanding of the City's and Board's needs and goals.
6. List all immediate relatives of Principal(s) of Respondent who are City, EOBWC or EOWD employees or elected officials of the City. For purposes of the above, "immediate relative" means a spouse, parent, stepparent, brother, sister, child, stepchild, direct-line aunt or uncle, grandparent, grandchild and in-laws.
7. Limits of Malpractice insurance coverage.
8. A listing of all other engagements where services of the types being proposed were provided in the past five (5) years. This should include other municipal governments and other levels of government. Contact information for the recipients of the similar services must be provided. The City and Board may obtain references from any of the parties listed.
9. Respondents must demonstrate a proven record of litigation experience in either Federal court, Superior court, Appellate and the Workers' Compensation.
10. Respondents must list all cases where they represented the City and/or EOBWC, in which they sued the City and/or EOBWC and/or in which they represented a client that sued the City and/or EOBWC within the last five years.

SECTION 4

INSTRUCTIONS TO RESPONDENTS

4.1. Submission of Proposals.

Respondents must submit an original and (2) copies of their Proposal to the Designated Contact Person:

Proposals must be submitted to, and be received by the Purchasing Agent, Division of Procurement, via mail or hand delivery, by 12:00 p.m. on Thursday, March 24, 2016. Proposals will not be accepted by facsimile or e-mail transmissions. Proposals shall be opened in the City of East Orange Council Chambers, City Hall, 44 City Hall Plaza, East Orange, New Jersey on Thursday, March 24, 2016, at or about 12:00 P.M.

To be responsive, Proposals must provide all requested information, and must be in strict conformance with the instructions set forth herein. Proposals and all related information must be bound, and signed and acknowledged by the Respondent.

SECTION 5

5.1. Evaluation

The City's and Board's objective in soliciting Proposals is to enable it to select Respondents that will provide high quality and cost effective services to the citizens of the City of East Orange and customers of the East Orange Water Department. The City and EOBWC will consider Proposals only from Respondents that, in their sole judgment, have demonstrated the capability and willingness to provide high quality services to the citizens of the City and customers in the manner described in this RFP.

Proposals will be evaluated by the City and EOBWC on the basis of which is the most advantageous, experienced and other factors considered. The evaluation will consider:

- (a) Experience and reputation in the field; and
- (b) Knowledge of the municipal corporations; and
- (c) Availability to accommodate the required meetings of the EOBWC and City as needed; and
- (d) Litigation experience and results in the areas of law described in Section 2 of this RFP; and
- (e) Pertinent government experience; and
- (f) Other factors demonstrated to be in the best interest of the City and EOBWC.

The EOBWC will select the most advantageous Proposals based on all of the evaluation factors set forth in this RFP. EOBWC will make the award(s) that is in the best interest of the City and EOBWC.

Each Proposal must satisfy the objectives and requirements detailed in this RFP except as otherwise stated. Successful Respondents shall be determined by an evaluation of the total content of the Proposal submitted. The City and EOBWC reserves the right to not select any of the Proposals;

The City or East Orange Water Commission shall not be obligated to explain the results of the evaluation process to any Respondent.

SECTION 6

6.1. General Terms and Conditions

1. The City and EOBWC reserves the right to reject any or all Proposals, if necessary, or to waive any informalities in the Proposals, and, unless otherwise specified by the Respondent, to accept any item, items or services in the Proposal should it be deemed in the best interest of the City and EOBWC to do so.
2. Each Proposal must be signed by the person authorized to do so.
3. Proposals may be hand delivered or mailed consistent with the provisions of the legal notice to Respondents. In the case of mailed Proposals, the City and EOBWC assumes no responsibility for Proposals received after the designated date and time and will return late Proposals unopened. Proposals will not be accepted by facsimile or e-mail.
4. In accordance with Affirmative Action Law, P.L. 1975/ c.127 (N.J.A.C. 17:27) with implementation of July 10/ 1978, successful Respondents must agree to submit individual employer certifications and numbers or complete Affirmative Action employee information report (form AA-302). Also, during the period of engagement, the contractor agrees as follows: (a) The contractor or subcontractor where applicable, will not discriminate against any employee because of age, race, creed, color, national origin, ancestry, marital status or affectional or sexual orientation. The contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex or handicap. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and section for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause: (b) the contractor or subcontractor, where applicable, will in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex or handicap; (c) the contractor or subcontractor, where applicable, will send to each labor union or representative or workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer advising the labor union or worker's representative of the contractor's commitments under this act and shall post copies of the notice; (d) the contractor or subcontractor, where applicable, agrees to comply with any regulations promulgated by the treasurer pursuant to the P.L. 1975, c.127, as amended and supplemented from time to time.
5. No Respondent shall influence, or attempt to influence, or cause to be influenced, any City EOBWC officer or employee to use his/her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.
6. No Respondent shall cause or influence, or attempt to cause or influence, any City/ EOBWC officer or employee to use his/her official capacity to secure unwarranted privileges or advantages for the proposer or any other person.
7. Should any difference arise between the contracting parties as to the meaning or intent of these instructions or specifications, the City's Corporation Counsel's decision shall be final and conclusive.
8. The City and EOBWC shall not be responsible for any expenditure of monies or other expenses incurred by the Respondent in making its proposal.

END OF GENERAL INSTRUCTIONS

**ALL OF THE
FOLLOWING
DOCUMENTS
MUST BE INCLUDED WITH
PROPOSAL**

LETTER OF INTENT

(Note: To be typed on Respondent's Letterhead. No Modifications may be made to this letter).

[insert date]

Christopher Coke, Interim Executive Director
c/o Lisa L. Jackson,
Purchasing Department
City of East Orange
44 City Hall Plaza
East Orange, New Jersey 07018

**RE: Request for Qualifications
[Insert Counsel Services Sought]**

Dear Commissioners and Director Coke:

The undersigned as Respondent, has (have) submitted the attached Proposal in response to a Request for Qualifications (RFP), issued by the City of East Orange and East Orange Board of Water Commissioners dated March 14, 2016, in connection with the City's need for [insert services].

Name of Respondent HEREBY STATES

1. The Proposal contains accurate, factual and complete information.
2. **(Name of Respondent)** agrees (agree) to participate in good faith in the procurement process as described in the RFP and to adhere to the City and East Orange Board of Water Commissioners procurement schedule.
3. **(Name of Respondent)** acknowledges (acknowledge) that all costs incurred by it (them) in connection with the preparation and submission of the Proposal and any proposal prepared and submitted in response to the RFP, or any negotiation which results therefrom shall be borne exclusively by the Respondent.
4. **(Name of Respondent)** hereby declares (declare) that the only persons participating in this Proposal as Principals are named herein and that no person other than those herein mentioned has any participation in this Proposal or in any contract to be entered into with respect thereto. Additional persons may subsequently be included as participating Principals, but only if acceptable to the City and East Orange Board of Water Commissioners.
5. **(Name of Respondent)** declares that this Proposal is made without connection with any other person, firm or parties who has submitted a Proposal, except as expressly set forth below and that it has been prepared and has been submitted in good faith and without collusion or fraud.
6. **(Name of Respondent)** acknowledges and agrees that the City and East Orange Board of Water Commissioners may modify, amend, suspend and/or terminate the procurement process (in its sole judgment). In any case, the City shall not have any liability to the Respondent for any costs incurred by the Respondent with respect to the procurement activities described in this RFP.

7. **(Name of Respondent)** acknowledges that any letter of engagement executed with respect to the provision of [insert services] must comply with all applicable affirmative action and similar laws. Respondent hereby agrees to take actions as are required in order to comply with such applicable laws.

(Respondent shall sign and complete the space provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief Executive Officer)

(Typed Name and Title)

(Typed Name of Firm*)

Dated: _____

* If joint venture, partnership or other formal organization is submitting a Proposal, each participant shall execute this Letter of Intent.

LETTER OF QUALIFICATION

(Note: To be typed on Respondent's Letterhead. No Modifications may be made to this letter).

[insert date]

Christopher Coke, Interim Executive Director
c/o Lisa L. Jackson,
Purchasing Department
City of East Orange
44 City Hall Plaza
East Orange, New Jersey 07018

**RE: Request for Qualifications
[Insert Counsel Services Sought]**

Dear Commissioner's and Director Coke:

The undersigned have reviewed the Proposal submitted in response to the Request for Qualifications (RFP) issued by the City of East Orange Board of Water commissioners, dated March 14, 2016, in connection with the City's need for [insert services].

We affirm that the contents of our Proposal (which Proposal is incorporated herein by reference) are accurate, factual and complete to the best of our knowledge and belief and that the Proposal is submitted in good faith upon express understanding that any false statement may result in the disqualification of **(Name of Respondent)**.

(Respondent shall sign and complete the spaces provided below. If a joint venture, appropriate officers of each company shall sign.)

(Signature of Chief
Executive Officer)

(Signature of Chief
Financial Officer)

(Typed Name and Title)

(Typed Name and Title)

(Typed Name of Firm*)

(Typed Name of Firm*)

Dated: _____

Dated: _____

* If joint venture, partnership or other formal organization is submitting a Proposal, each participant shall execute this Letter of Qualification.

CITY OF EAST ORANGE

CHECKLIST

PROFESSIONAL SERVICE: SPECIAL LEGAL COUNSEL SERVICES

SUBMISSION DATE: March 24, 2015 – Friday

The following items, as indicated below (x), shall be provided with the receipt of sealed submissions:

Business Entity Disclosure Certification	_____X_____
Bidder's Affidavit	_____X_____
Non-Collusion Affidavit	_____X_____
Disclosure of Ownership Form	_____X_____
Insurance Requirement Acknowledgement Form	_____X_____
Mandatory Equal Employment Opportunity Notice Acknowledgement ...	_____X_____
Copy of your Certificate of Employee Information Report	_____X_____
Copy of your Business Registration Certificate as issued by the State of New Jersey, Department of Treasury, Division of Revenue	_____X_____
Professional Service Entity Information Form	_____X_____
Qualification Submission Form	_____X_____
Acknowledgement of Corrections, Additions or Deletions Form	_____X_____
Statement of Indebtedness Form	_____X_____
Agreement for Payment of Commodity/Service Form	_____X_____
Letter of Intent	_____X_____
Letter of Qualification	_____X_____

Reminder:

Please submit one (1) original (unbound), four (4) copies and one (1) compact disk (CD) set of the sealed submission.

**BUSINESS ENTITY DISCLOSURE CERTIFICATION
FOR NON-FAIR AND OPEN CONTRACTS
Requires Pursuant to N.J.S.A. 19:44A-20.8
CITY OF EAST ORANGE**

Part I-Vendor Affirmation

The undersigned, being authorized and knowledgeable of the circumstances, does hereby certify that the <name of business entity> has not made and will not make any reportable contributions pursuant to N.J.S.A. 19:44A-1 et seq. that, pursuant to P.I.2004, c.19 would bar the award of this contract in the one year period preceding December 31, 2014 to any of the following named candidate committee, joint candidates committee; or political party committee representing the elected officials of the CITY OF EAST ORANGE as defined pursuant to N.J.S.A.19:44A-3(p), (q) and(r).

Lester E. Taylor, III

Romal D. Bullock

Mustafa Brent

Jacquelyn E. Johnson

Amy Lewis

Tyshammie L. Cooper

Alicia Holman

Casim Gomez

Christopher D. James

Quilla E. Talmadge

Ted R. Green

Part II- Ownership Disclosure Certification

☐ I certify that the list below contains the name and home address of all owners holding 10% or more of the issued and outstanding stock of the undersigned.

Check the box that represents the type of business entity:

☐ Partnership

☐ Corporation

☐ Sole Proprietorship

☐ Subchapter S Corporation

☐ Limited Partnership

☐ Limited Liability Corporation

☐ Limited Liability Partnership

Name of Stock or Shareholder

Home Address

Part 3 – Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and / or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: _____

Signed: _____ Title: _____

Print Name: _____ Date: _____

Subscribed and sworn before me this ____ day of _____, 2 ____.

(Affiant)

My Commission expires:

(Print name & title of affiant) (Corporate Seal)

BIDDER'S AFFIDAVIT

STATE OF _____

COUNTY OF _____

_____ being duly sworn, deposes and says that he
resides at _____

and that he is the _____
(Title)

of _____
(Name of Organization)

who signed the above Proposal of Bid, that he was duly authorized to sign and that the Bid is the true offer of the Bidder, that the seal attached is the seal of the Bidder and that all declarations and statements contained in the Bid are true to the best of his knowledge and belief.

He further deposes that he has submitted herewith a list of names and addresses of all stockholders and/or partners owning a 10% or greater interest in compliance with P.L. 1977, Chapter 33, effective as of March 8, 1977.

Affiant

Subscribed and Sworn before me
This _____ day of _____, 20____

(Notary Public) (Seal)

(Commission expiration date)

NON-COLLUSION AFFIDAVIT

STATE OF NEW JERSEY)

) SS:

COUNTY OF)

I, _____ of the City/Township of _____

in the County of _____ and the State of _____

of full age, being duly sworn according to the law on my oath depose and say that:

I am, _____ (Title)

(a partner, or officer of the firm of, etc.)

of the firm of _____

the bidder making the Proposal for the above named project, and that I executed the said Proposal with full authority so to do; that said bidder has not, directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free, competitive bidding in connection with the above-named project; and that all statements contained in said Proposal and in this affidavit are true and correct, and made with full knowledge that the CITY OF EAST ORANGE, NJ relies upon the truth of the statements contained in said Proposal and in the statements contained in this affidavit in awarding the contract for the said project.

I further warrant that no person or selling agency has been employed or retained to solicit or secure such contract upon an agreement or understanding for a commission, percentage, brokerage or contingent fee, except bona fide employees or bona fide established commercial or selling agencies maintained by

(Name of Contractor)

(Also type or print name of affiant under signature)

Subscribed and sworn to

before me this _____ day

of _____ 20____

Signature of:

Bidder, if the bidder is an individual
Partner, if the bidder is a partnership
Officer, if the bidder is a corporation

Notary Public of: _____

My commission expires: _____

OWNER DISCLOSURE CERTIFICATION

This Statement Shall Be Included with RFP Submission

Name of Business _____

☐ I certify that the list below contains the names and home addresses of all stockholders holding 10% or more of the issued and outstanding stock of the undersigned.

OR

☐ I certify that no one stockholder owns 10% or more of the issued and outstanding stock of the undersigned.

OR

☐ I certify that there are no stockholders

Check the box that represents the type of business organization:

☐ Partnership

☐ Corporation

☐ Sole Proprietorship

☐ Limited Partnership

☐ Limited Liability Corporation

☐ Limited Liability Partnership

☐ Subchapter S Corporation

☐ Other (describe) _____

Sign and notarize the form below, and, if necessary, complete the stockholder list below.

Stockholders:

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Name: _____

Name: _____

Home Address: _____

Home Address: _____

Subscribed and sworn before me this ____ day of

_____,

20 __.

(Affiant)

(Notary Public)

(Print name & title of affiant)

My Commission expires:

(Corporate Seal)

CITY OF EAST ORANGE
INSURANCE REQUIREMENTS AND ACKNOWLEDGEMENT FORM

Certificate(s) of Insurance shall be filed with the City's Clerk's Office upon award of contract by the Municipal Council.

The minimum amount of insurance to be carried by the selected Professional Service Entity shall be as follows:

Professional Liability Insurance

Limits shall be a minimum of \$1,000,000.00 for each claim and \$1,000,000.00 aggregate each policy period.

*Vendor / Firm shall not commence operations until Township has been furnished original certificate(s) of Insurance and certified original copies of endorsements or policies of insurance in the amounts and/or minimum coverage(s) required in this proposal.

Acknowledgement of Insurance Requirement:

(Signature) (Date)

(Printed Name and Title)

AFFIRMATIVE ACTION AFFIDAVIT

(Items No. 2 through Item No. 6 to be completed
by firms with less than 50 employees)

STATE OF NEW JERSEY)
COUNTY)

I, _____ of the (City, Town, Borough of _____
in the County of _____, State of _____ of full age, being duly sworn according to law on my oath
depose and say that:

1. I am (President, partner, owner) of the firm _____
a bidder making a proposal upon the above named project. We have fifty (50) or more employees and have forwarded an Affirmative
Action Plan to the State. ____ Yes ____ No

2. _____ does not have 50 employees or more inclusive of
all officers and employees of every type.

3. I am familiar with the affirmative action requirements of P.L. 1975, c 127 and rules
and regulations issued by the Treasurer, State of New Jersey pursuant thereto.

4. _____ has complied with all the affirmative action
requirements of the State of New Jersey including those required by P.L. 1975, c 127 and the rules and regulations issued by the Treasurer,
State of New Jersey pursuant thereto.

5. I am aware that if _____ does not comply with P.L. 175,
c 127 and rules and regulations issued pursuant thereto, that no monies will be paid by the State of New Jersey, County of _____,
(City, Town, Borough) of _____
until an affirmative action plan is approved. I am also aware that the contract may be terminated and the
_____ may be debarred from all public contracts, for a period of up to five (5) years.

6. In the event my workforce increases to 50 employees, I must contact the State Affirmative Action Office and complete
and Employees Information Report.

Subscribed and sworn to

Before me this ____ day
____ 20 ____

Signature of Authorized Representative

(Seal) Notary Public of New Jersey

Name and Title

MUST BE SUBMITTED WITH BID PROPOSAL

AFFIRMATIVE ACTION REGULATIONS:

- A. Procurement of Service Contract: The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.4(a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.4 (a) provided that said subsection shall be applied subject to the terms of subsection 3.4 (d) of said Regulations.

The parties to this contract agree to incorporate into this contract the mandatory language of section 5.3 of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said section 5.3.

- B. Construction Contract: The parties to this contract agree to incorporate into this contract the mandatory language of subsection 3.4 (a) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of said subsection 3.4 (a) provided that said subsection shall be applied subject to the terms of subsection 3.4 (d) of said regulations.

The parties to this contract agree to incorporate into this contract the mandatory language of subsections 7.4 (a) and (b) of the Regulations promulgated by the Treasurer pursuant to P.L. 1975, C. 127, as amended and supplemented from time to time and the contractor or subcontractor agrees to comply fully with the terms, provisions, and obligations of subsections 7.4 (a) and (b).

Signature _____
Title _____
Company _____
Address _____

ZIP CODE

NOTE: FORM MUST BE RETURNED WITH THE BID PROPOSAL.

PROFESSIONAL SERVICE ENTITY INFORMATION FORM

If the professional service Entity is an **INDIVIDUAL**, sign name and give the following information:

Name: _____

Address: _____

Telephone No.: _____ Social Security No.: _____

Fax No.: _____ E-Mail Address: _____

If individual has a TRADE NAME, give such tradename:

Trading As: _____ Telephone: _____

If the professional service Entity is a ***PARTNERSHIP***, sign name and give the following information:

Name of Partners: _____

Firm Name: _____

Address: _____

Telephone No.: _____ Federal I.D. No.: _____

Fax No.: _____ E-Mail Address: _____

Social Security No.: _____

Signature of authorized Agent: _____

If the professional service Entity is an **INCORPORATED**, sign name and give the following information:

State under whose laws incorporated: _____

Location of principal office: _____

Telephone No.: _____ Federal I.D. No.: _____

Fax No.: _____ E-Mail Address: _____

Name of agent in charge of said office upon whom notice may be legally served.

Telephone No.: _____ Name of Corporation: _____

Signature: _____ By: _____

QUALIFICATION AFFIDAVIT

The CITY OF EAST ORANGE reserves the right to reject the bid of any bidder who has previously failed to perform properly or to complete on time, contracts of a similar nature; who is not qualified to perform the contract; or who has repeatedly or without good cause failed to pay bills or otherwise failed to perform its obligations to subcontractors, materialmen, employees of this or any other government body or agency in similar contracts. In determining the lowest responsible bidder and its qualifications, the following elements, in addition to those above mentioned, will be considered; Whether the bidder (1) maintains a permanent place of business; (2) has adequate plant and equipment available to do the work properly and expeditiously; (3) has suitable financial resources to meet the obligations incident to the work; (4) has appropriate technical experience.

Each bidder must supply the following certified statement. Failure to do so shall be deemed a material defect in the bid, resulting in rejection of the bid:

State of New Jersey)
County of _____) SS:

I am the (President, Partner, Owner) of _____,
_____, the bidder herein.

I know that the bidder, _____, has not previously failed to perform properly, or complete on time, contracts of a nature similar to that bid upon; is qualified to perform the contract; has not repeatedly or without just cause failed to pay bills or otherwise failed to perform its obligations to sub-contractors, materialmen, employees, of this or any other government or agency in similar contracts.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Company Name

Subscribed and Sworn to
Before me this _____ day
Of _____ 20____.

Sign Name

Print Name

Notary Public of: _____
My commission expires: _____
11/99

Print/Type Title

CITY OF EAST ORANGE

SUBMISSION FORM

1. Names and roles of the individuals who will perform the services and description of their education and experience with projects similar to the services contained herein including their education, degrees and certifications:

2. References and record success of same similar service:

3. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff):

4. Cost details, including the hourly rates of each of the individuals who will perform services, and all expenses:

Note: Attach additional sheets as necessary.

Firm _____ Date: _____

Authorized Representative (Print): _____

Signature: _____ Title: _____

Telephone #: _____ Fax #: _____

CITY OF EAST ORANGE

ACKNOWLEDGEMENT OF CORRECTIONS, ADDITIONS AND DELETIONS FORM

I, _____

of the firm _____

Hereby acknowledge that any corrections, additions and/or deletions have been initialed and dated in this Submission Package.

(Signature)

(Type or Print of affiant and Title, under Signature)

(Date)

STATEMENT OF INDEBTEDNESS

Bidders shall provide as part of their bid a statement under oath that (a) they are not indebted to the CITY OF EAST ORANGE, (b) are not in breach of any contract previously awarded by the City and (c) are not a party to any pending action either at law or equity in which they are assessing an affirmative claim for damages or other relief against the CITY OF EAST ORANGE. Failure to provide the required statement shall disqualify the bidder.

(Name of Contractor)

(Type or print name of affiant under signature)

Subscribe and sworn to

Before me this _____ day

Of _____ 20____

Notary Public of _____

My Commission Expires _____

CITY OF EAST ORANGE

EAST ORANGE, NEW JERSEY

AGREEMENT FOR PAYMENT OF COMMODITY

The contractor or vendor realizes that as a Municipality, payment cannot be made on a bill presented basis.

Therefore, the contractor or vendor, hereby agrees to accept payment within a reasonable time after presentation of invoice and properly executed documentation as well as signed vouchers pertaining to same.

Payment in the normal circumstance should not exceed 60 days.

Name of Official for Company

Name of Company or Business

Address

Date: _____